



UNITED STATES PATENT AND TRADEMARK OFFICE

05

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/909,617

07/20/2001

Todd J. McGuire

5266.02

2314

20686

7590

09/09/2005

DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER, CO 80202-5647

EXAMINER

LONSBERRY, HUNTER B

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,617

Applicant(s)

MCGUIRE, TODD J.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-34 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/21/05 have been fully considered but they are not persuasive.

Applicant argues that none of the prior art of record fails to teach or suggest a video reporter Wherein the Movie is utilized to characterize user behaviour.”
(Amendment page 8).

Regarding applicants argument, Alexander discloses a logging system that logs a users interactions with a website in order to characterize user behaviour. The Quake3 Movie creation article teaches logging user commands to create a demo file which is then utilized to create a movie. As a movie is a record of user behaviour, a viewer watching the movie learns characteristics about the user, in particular how the user prefers to interacted with an interface, a users level of skill etc. Therefore, the combination of Alexander and Quake3 (both related to logging user interactions) does teach the use of a movie which characterizes user behaviour, as one is able to determine user characteristics by reviewing the log data in the form of a movie.

Applicant's failure to traverse the Official Notices in the previous Office Action are taken as admission of prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-24, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. Patent 6,177,931 in view of the Quake3 Movie Creation article.

Regarding claim 1, Alexander discloses a system which tracks the utilization of a website based upon log data and includes a Log analyzer which receives and analyzes log data (column 29, lines 14-30) wherein the log data comprises information relating to a utilization of at least one website (column 29, lines 31-43, column 30, lines 8-10, 17-37),

The logged data is processed and allows for the characterization of user behaviour (column 30, lines 1-37)

Alexander does not disclose a video reporter, which converts the results of log data into a movie and characterizing user behaviour based on the movie.

The Quake3 Movie Creation article discloses a number of commands which may be used by a player of the Quake3 video game, these include allowing a player to type a "/demo" command which then records how a player interacts with a game for later

Art Unit: 2611

playback thus providing a video reporting function which is connected to the log analyzer, a player may then utilize the "bmp2avi" software which then converts the demo movie file in the avi format, which enables one to view the movie outside of the game (entire document), thus converting the log data into a movie recreating the user's behavior, and enable visual characterization of a user's use of a program for the examination of others. As a movie is a record of user behaviour, a viewer watching the movie learns characteristics about the user, in particular how the user prefers to interacted with an interface, a users level of skill etc.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the logging and characterization functions of Alexander to utilize the video reporting and movie creation features of The Quake3 Movie Creation article for the advantage of enabling a visual characterization of a user's use of a program for the examination of others, in order to determine a user's level of skill .

Regarding claim 2, Alexander discloses that the log analyzer analyses data based on a number of categories (column 30, lines 17-29).

The combination of Alexander and the Quake3 Movie Creation article fails to disclose the use of a request received from a filter.

The examiner takes official notice that the use of a filter is notoriously well known in the art. Filters are a pattern through which data is passed. Only data that matches the pattern is allowed to pass through the filter, thus enabling a user to only view data of interest.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander and the Quake3 Movie Creation article to utilize a request to use filter, thus enabling a user to only view data of interest.

Regarding claim 3, Alexander discloses that the log analyzer may analyze web site use for specific uses of a website (column 29, lines 28-30, 50-55).

Alexander and The Quake3 Movie Creation article do not disclose searching for specific instances of use.

The examiner takes official notice that searching databases for specific criteria is well known in the art. Enabling a specific criteria for search enables for viewing of a finer layer of results of interest.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander and The Quake3 Movie Creation article to enable a query for specific criteria, thus enabling viewing of a finer layer of results of interest.

Regarding claim 5, Alexander discloses tracking what websites a user views.

The websites in Alexander inherently comprises at least one device as a computer is required in order to provide the website.

Regarding claim 6, Alexander discloses recording how a user interacted with the Internet and its websites in a viewing session (column 29, lines 36-43).

Regarding claim 7, The Quake3 Movie Creation article discloses taking screenshots of a user while using the program.

Regarding claim 8, The Quake3 Movie Creation article discloses taking screenshots of a user while using the program.

The combination of Alexander and The Quake3 Movie Creation article do not disclose the use of a viewer to control the presentation of the still frames.

The examiner takes official notice that the use of a viewer, such as a web browser, to view images is notoriously well known in the art. Image viewers enable a user to view an image, and allow a user to zoom in to view the image in more detail.

Therefore, it would have been obvious to one skilled to the art at the time of invention to modify the combination of Alexander and The Quake3 Movie Creation article to utilize an image viewer, thus enabling a user to view an image, and allow a user to zoom in to view the image in more detail.

Regarding claim 9, The Quake3 Movie Creation article discloses generating a movie based on user interactions.

The combination of Alexander and The Quake3 Movie Creation article do not disclose utilizing a notifier to indicate when a movie has been generated

The examiner takes official notice that generating a notification when a program completes its function is well known in the art, for example when a compiler finishes

Art Unit: 2611

compiling a program, thus alerting a user that the process is complete so that the user may view the results.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander and The Quake3 Movie Creation article to utilize a notification when the movie generation is complete, thus alerting a user that the process is complete so that the user may view the results.

Regarding claim 10, The Quake3 Movie Creation article discloses that the movie comprises video (entire document).

Regarding claim 11, Alexander discloses that the log analyzer analyzes multiple log files in order to provide a statistical analysis of how many times a user access the Internet and when they occur (column 29, lines 14-30, 50-55).

Regarding claim 12, Alexander discloses that the results of the statistical analysis may be provide to a plurality of people (column 33, lines 8-16).

The Quake3 Movie Creation article and Alexander do not disclose providing a movie along with statistical analysis.

The examiner takes official notice that providing supplementary information along with a video is notoriously well known in the art, for example a sports game that provides sports statistics on players. Providing supplementary information along with a video allows a viewer to better understand the contents of the video.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander and The Quake3 Movie Creation article to provide statistical information along with the movie, thus allowing a viewer to better understand the contents of the video.

Regarding claim 13, Alexander discloses a system which tracks the utilization of a website based upon log data and includes a Log analyzer which receives and analyzes log data (column 29, lines 14-30) wherein the log data comprises information relating to a utilization of at least one website (column 29, lines 31-43, column 30, lines 8-10, 17-37),

Based on the log data the user's behaviour is characterized (column 30, lines 1-37).

Alexander does not disclose a video reporter, which converts the results of log data into a movie, or a movie viewer, which presents the movie via a presentation device, and characterizing user behaviour based on the movie.

The Quake3 Movie Creation article discloses a number of commands which may be used by a player of the Quake3 video game, these include allowing a player to type a "/demo" command which then records how a player interacts with a game for later playback thus providing a video reporting function which is connected to the log analyzer, a player may then utilize the "bmp2avi" software which then converts the demo movie file in the avi format, which enables one to view the movie outside of the game (entire document), thus converting the log data into a movie recreating the user's

behavior, and enable visual characterization of a user's use of a program for the examination of others. As a movie is a record of user behaviour, a viewer watching the movie learns characteristics about the user, in particular how the user prefers to interacted with an interface, a users level of skill etc.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize the video reporting of The Quake3 Movie Creation article thus enabling a visual characterization of a user's use of a program for the examination of others in order to determine a user's level of skill.

The combination of The Quake3 Movie Creation article and Alexander fails to disclose the use of a movie viewer, which presents the movie via a presentation device.

The examiner takes official notice that the use of a movie viewer in communication with a movie creation system is notoriously well known in the art. Movie viewing software enables a user to view a movie on a computing device.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of The Quake3 Movie Creation article and Alexander to utilize a movie viewer, thus enabling a user to view a movie on a computing device.

Regarding claim 14, see claim 2.

Regarding claim 15, Alexander discloses a system which logs user behavior on a website.

The combination of Alexander and The Quake3 Movie Creation article fails to disclose the use of an anomaly collection tool that enables a user to specify a time and date range.

The examiner takes official notice that searching a database by a time and date range is notoriously well known in the art. Searching a database by a date range enables a user to view a subset of data instead of being overwhelmed by a large number of results.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander and The Quake3 Movie Creation article to enable a database search by time and date range, thus preventing an administrator from being overwhelmed by data while browsing logs.

Regarding claim 16-17, Alexander and The Quake3 Movie Creation article do not disclose an administration tool that provides an email notification when an error occurs.

The examiner takes official notice that the use of a network administration tool that emails or pages an administrator when an error is detected is notoriously well known in the art. Selecting which manner in which to issue an alert enable an administrator to ensure that they can be contacted.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Alexander and The Quake3 Movie Creation article to email or an administrator or programmer when an error is detected to ensure that the administrator can be contacted.

Regarding claim 18, The Quake3 Movie Creation article discloses creating a movie file.

The Quake3 Movie Creation article inherently makes use of a data storage device as storage is required in order to store the movie once it is created.

Regarding claim 19, The Quake3 Movie Creation article discloses creating a movie file.

Alexander and The Quake3 Movie Creation article do not disclose the use of a tool for searching for a movie stored on a data storage device.

The examiner takes official notice that the use of a search function to find a file, for example, the Windows95 find button, is well known in the art. Searching to find a file enables a user to readily select a file when multiple files are available.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander and The Quake3 Movie Creation article to utilize a search tool, thus enabling a user to readily select a file when multiple files are available.

Regarding claim 20, Alexander discloses a system which tracks the utilization of a website based upon log data and includes a Log analyzer which receives and analyzes log data (column 29, lines 14-30) wherein the log data comprises information

Art Unit: 2611

relating to a utilization of at least one website (column 29, lines 31-43, column 30, lines 8-10, 17-37),

The log data is processed in order to characterize user behaviour (column 30, lines 1-37).

Alexander does not disclose a generating a movie which recreates user interactions with a website, characterizing user behaviour based on the movie and a database containing log data which is connected to a web server.

The Quake3 Movie Creation article discloses a number of commands which may be used by a player of the Quake3 video game, these include allowing a player to type a “/demo” command which then records how a player interacts with a game for later playback thus providing a video reporting function which is connected to the log analyzer, a player may then utilize the “bmp2avi” software which then converts the demo movie file in the avi format, which enables one to view the movie outside of the game (entire document), thus converting the log data into a movie recreating the user’s behavior, and enable visual characterization of a user’s use of a program for the examination of others. As a movie is a record of user behaviour, a viewer watching the movie learns characteristics about the user, in particular how the user prefers to interacted with an interface, a users level of skill etc.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize the video reporting of The Quake3 Movie Creation article thus enabling a visual characterization of a user’s use of a program for the examination of others and determine a user’s level of skill.

The combination of Alexander and The Quake3 Movie Creation article fails to disclose a database connected to the server, which logs user interactions.

The examiner takes official notice that databases that contain server logs are notoriously well known in the art. Server logs track how users interact with a website and enable a network administrator to troubleshoot problems.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander and The Quake3 Movie Creation article to utilize a database with a server log, thus enabling a network administrator to troubleshoot problems with the server.

Regarding claim 22, see claim 10.

Regarding claim 23-24, see claims 2-3.

Regarding claim 21, Alexander discloses a method which tracks the utilization of a website based upon log data and includes a Log analyzer which obtains and analyzes log data (column 29, lines 14-30) wherein the log data comprises information relating to a utilization of at least one website (column 29, lines 31-43, column 30, lines 8-10, 17-37)

The log data is processed to characterize a user's behaviour (column 30, lines 1-37).

Alexander does not disclose a video reporter, which converts the results of log data into a movie, and characterizing user behaviour based on the movie.

The Quake3 Movie Creation article discloses a number of commands which may be used by a player of the Quake3 video game, these include allowing a player to type a “/demo” command which then records how a player interacts with a game for later playback thus providing a video reporting function which is connected to the log analyzer, a player may then utilize the “bmp2avi” software which then converts the demo movie file in the avi format, which enables one to view the movie outside of the game (entire document), thus converting the log data into a movie recreating the user’s behavior, and enable visual characterization of a user’s use of a program for the examination of others. As a movie is a record of user behaviour, a viewer watching the movie learns characteristics about the user, in particular how the user prefers to interacted with an interface, a users level of skill etc.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize the video reporting of The Quake3 Movie Creation article for the advantage of enabling a visual characterization of a user’s use of a program for the examination of others in order to determine the user’s level of skill.

Regarding claim 27, Alexander discloses a system which tracks the utilization of a website based upon log data and includes a Log analyzer which receives and analyzes log data (column 29, lines 14-30) wherein the log data comprises information relating to a utilization of at least one website (column 29, lines 31-43, column 30, lines 8-10, 17-37),

The log data is processed and characterizes user behaviour (column 30, lines 1-37).

Alexander does not disclose converting the results of log data into a movie, and characterizing a user's behaviour based upon the movie.

The Quake3 Movie Creation article discloses a number of commands which may be used by a player of the Quake3 video game, these include allowing a player to type a "/demo" command which then records how a player interacts with a game for later playback thus providing a video reporting function which is connected to the log analyzer, a player may then utilize the "bmp2avi" software which then converts the demo movie file in the avi format, which enables one to view the movie outside of the game (entire document), thus converting the log data into a movie recreating the user's behavior, and enable visual characterization of a user's use of a program for the examination of others. As a movie is a record of user behaviour, a viewer watching the movie learns characteristics about the user, in particular how the user prefers to interacted with an interface, a users level of skill etc.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize the video reporting of The Quake3 Movie Creation article for the advantage enabling a visual characterization of a user's use of a program for the examination of others in order to determine a user's level of skill.

Regarding claim 28, Alexander discloses that the data logging and analysis may take place on the Internet (column 29, lines 31-34).

The combination of Alexander and The Quake3 Movie Creation article do not disclose analyzing the data on a web server.

The examiner takes official notice that the use of a web server, which analyzes data, is notoriously well known in the art. Web servers are accessible by an Internet accessible device and enable multimedia communications.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the Alexander and The Quake3 Movie Creation article to utilize a web server, thus enabling multimedia communications to an Internet accessible device.

Regarding claim 29, see claim 3.

3. Claims 4, 25, 26 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. Patent 6,177,931 to in view of the Quake3 Movie Creation article in further view of U.S. Patent 6,629,267 to Glerum.

Regarding claims 4, 25, 26, and 30, Alexander discloses that the log analyzer may analyze web site use for specific uses of a website (column 29, lines 28-30, 50-55).

The combination of Alexander and The Quake3 Movie Creation article does not disclose identifying anomalous events.

Glerum discloses a system for reporting program failures in figure 3, in which failures are reported to a central repository along with the time they occurred, the

Art Unit: 2611

application that failed and what program module was in use (column 6, lines 18-63, column 7, line 62-column 8, line 21), thus enabling software developers to analyze the data and come up with solutions and fixes to the failure (column 4, line 62-column 5, line 3, column 8, line 61-column 9, line 3).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the Alexander and The Quake3 Movie Creation article to identify anomalous events as taught by Glerum, thus enabling software developers to analyze the data and come up with solutions and fixes to the failure.

Regarding claim 31, Glerum informs a provider when an anomalous event occurs (column 5, lines 39-51, figure 3).

Regarding claim 32, The Quake3 Movie Creation article discloses the use of jpbmp2avi, which converts the images into a movie format, thus enabling presentation of the movie (entire document).

Regarding claim 33, The Quake3 Movie Creation article discloses creating a movie file.

The Quake3 Movie Creation article inherently makes use of a data storage device as storage is required in order to store the movie once it is created.

Regarding claim 34, The Quake3 Movie Creation article discloses creating a movie file.

Alexander and The Quake3 Movie Creation article do not disclose the use of a tool for searching for a movie stored on a data storage device.

The examiner takes official notice that the use of a search function to find a file, for example, the Windows95 find button, is well known in the art. Searching to find a file enables a user to readily select a file when multiple files are available.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander and The Quake3 Movie Creation article to utilize a search tool, thus enabling a user to readily select a file when multiple files are available.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2611

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL


HAITRAN
PRIMARY EXAMINER